

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-CR-6

SUJATA SACHDEVA,

Defendant, and

KOSS CORPORATION,

Garnishee-Defendant.

MOTION FOR ENTRY OF ORDER OF GARNISHMENT

The United States of America, by its attorneys James L. Santelle, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney, hereby moves this Court for entry of an order of garnishment. In support of its motion, the United States respectfully states the following:

1. On July 6, 2011, the United States filed an Application for Writ of Garnishment.
2. On that same date, the Clerk of Court issued a Writ of Garnishment directed to the Garnishee-Defendant, Koss Corporation, and the United States served the writ on Koss Corporation.
3. On July 6, 2011, the United States served on Defendant Sujata Sachdeva a copy of the Writ of Garnishment and, among other things, the Clerk's Notice of Garnishment, Instructions to the Debtor for Objecting to Answer of Garnishee, and a Notice to Defendant

Debtor on How to Claim Exemptions. Postal records reflect that those documents were delivered to FCI-Danbury, the federal prison facility where Defendant Sachdeva is serving her term of incarceration, on July 11, 2011.

4. On July 11, 2011, Garnishee-Defendant Koss Corporation filed an answer to the writ. In it, Koss Corporation stated that it had in its possession or under its control personal property belonging to and due Defendant Sujata Sachdeva, namely, funds in a 401(k) plan and an Employee Stock Ownership Trust, which, as of June 8, 2011, had an approximate value of \$680,014.64.

5. Garnishee-Defendant Koss Corporation served a copy of its answer to the writ on Defendant Sujata Sachdeva by certified mail. Koss Corporation has advised the United States that, according to a return receipt Koss Corporation received from the United States Postal Service, Koss Corporation's answer to the writ was delivered to FCI-Danbury on July 12, 2011.

6. As the Instructions to the Debtor for Objecting to Answer of Garnishee notified Defendant Sachdeva, under Title 28, United States Code, Section 3205, she had 20 days from the date she received Garnishee-Defendant Koss Corporation's answer to file an objection to that answer and to request a hearing. As those instructions further notified Ms. Sachdeva, if she did not file such a timely objection and request for a hearing, a court order would be entered attaching the funds or property and the funds or property would then be applied against the Judgment owed the United States of America.

7. To date, Defendant Sachdeva has not requested a hearing or objected to the Answer of Garnishee-Defendant and the time for doing so has expired.

8. Title 28, United States Code, Section 3205 (c)(7) provides:

After the garnishee-defendant files an answer and if no hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee-defendant as to the disposition of the defendant's non-exempt interest in such property.

9. As of August 16, 2011, Defendant Sujata Sachdeva still owes a restitution balance of \$34,000,350, a restitution balance that substantially exceeds the value of the funds held by the garnishee-defendant.

Wherefore, the United States respectfully requests that this Court enter an Order of Garnishment directing Garnishee-Defendant, Koss Corporation, to pay to the United States, via the Clerk of Court, the current value of the defendant's positions in the Koss Corporation 401(k) and Employee Stock Ownership Trust.

Dated at Milwaukee, Wisconsin this 17th day of August, 2011.

Respectfully submitted,

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